

***LEVIsohn, BERGER & LANGSAM, LLP***

805 THIRD AVENUE  
19<sup>th</sup> Floor  
NEW YORK, NEW YORK 10022

212-486-7272

FACSIMILE: 212-486-0323

B.negrin@LBL.com

RECEIVED  
CENTRAL FAX CENTER

JUN 02 2006

**FACSIMILE TRANSMISSION**

TO: U.S. Patent and Trademark Office FAX NO: 571-273-8300

ATTN: Office of Petitions Appl'n No. 09/901,428

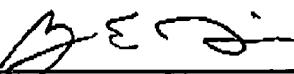
FROM: Barry E. Negrin  
**LEVIsohn, BERGER & LANGSAM, LLP**

DATE: June 2, 2006 Inventor: Whitchouse

PAGES INCLUDING THIS COVER SHEET: 3  
CONFIRMATION BY MAIL TO FOLLOW -  YES -  NO

---

**CERTIFICATE OF FAX TRANSMISSION:** I hereby certify that the attached correspondence, comprising Petition to Have Entered An Unintentionally Delayed Domestic Priority Claim Under 37 CFR § 1.78(a)(3) and MPEP § 1002.02(b) for the above-referenced patent application, is being submitted and facsimile transmitted to the U.S. Patent and Trademark Office at Fax. No. 571-273-8300 on June 2, 2006. By: Barry E. Negrin, Reg. No. 37,407.




---

PLEASE NOTE OUR FACSIMILE NUMBER (212) 486-0323, WHICH AUTOMATICALLY RECEIVES GROUP 1, 2 AND 3 TRANSMISSIONS. IF YOU HAVE NOT RECEIVED ALL OF THE PAGES, PLEASE CALL THE TELECOMMUNICATOR AT (212) 486-7272 IMMEDIATELY.

TELECOMMUNICATOR: BEN

**CONFIDENTIALITY NOTE**

*The documents accompanying this facsimile transmission contain information from the law firm of LEVIsohn, BERGER & LANGSAM, LLP which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Whitehouse
Serial No.:	09/901,428
Title:	<b>Multiple Ion Guide</b>
Filing Date:	July 9, 2001
Examiner:	Kiet Tuan Nguyen
Group:	2881
Atty Docket No.:	840.052.203

PATENT  
APPLICATION**VIA FACSIMILE: 571-273-8300****ATTENTION: Deputy Comm'r for Patent Examination Policy**

Mail Stop: Petitions  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION TO HAVE ENTERED AN UNINTENTIONALLY DELAYED DOMESTIC  
 PRIORITY CLAIM UNDER 37 CFR § 1.78(a)(3) AND MPEP § 1002.02(b)**

Sir:

Applicant submits the instant Petition to have entered the unintentionally delayed priority claim of the above-captioned application to 09/808,468 filed March 14, 2001. It is a continuation thereof. Kindly charge the petition fee of \$1370 (per 37 CFR § 1.17(t)) to the undersigned's Deposit Account No. 02-2105 as well as any other fees necessary to support the instant Petition.

On May 22, 2006, the Examiner issued an Office Action stating that the Applicant failed to claim priority to U.S. Patent Appl'n No. 09/808,468 in a timely manner when it made such claim via an amendment on February 8, 2006. This priority claim is necessary to establish continuity to one or more prior issued U.S. patents which are required to support Applicant's request to provoke an interference. Applicant hereby petitions to have its February 8, 2006 claim of priority entered as unintentionally delayed pursuant to 37 CFR § 1.78(a)(3) and MPEP §

**U.S. Pat. Appl'n No. 09/901,428**  
**Inventor: Whitehouse**  
**Petition to Have Entered Unintentionally**  
**Delayed Priority Claim**

1002.02(b).

In accordance with 37 CFR § 1.78(a)(3)(i)-(iii), such a petition must have three components: i) the reference to the prior-filed application, unless previously submitted; ii) the surcharge under 37 CFR § 1.17(t); and iii) a statement that the entire delay in making the priority claim was unintentional. Regarding item i), the reference was submitted via amendment in the application on February 8, 2006. Should an additional reference be required, the Office is respectfully requested to telephone the undersigned prior to denying the Petition so that any errors may be corrected. Regarding item ii), the fee under § 1.17(t) is to be charged to the undersigned's Deposit Account No. 02-2105. Regarding item iii), Applicant and the undersigned respectfully submit that the entire delay between the date that the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Prompt and favorable consideration on the merits is respectfully requested in light of the pending Office Action of May 22, 2006.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. 02-2105.

Dated: June 2, 2006

Respectfully submitted,



Barry E. Negrin  
Reg. No.: 37,407  
Attorney for Applicant

Levisohn, Berger & Langsam, LLP  
805 Third Avenue, 19<sup>th</sup> Floor  
New York, New York 10022  
212-486-7272, x304  
212-486-0323 (fax)  
b.negrin@LLBL.com

H:\Barry\WPDOS\PROSEC\840-52-203petitionrelatepriority.wpd